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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/01/2001

Michael Pocock

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,808

Applicant(s)

POCOCK, MICHAEL

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are not persuasive. First examiner points that the rejection mailed 3/23/06 does list Hirata in the rejection statement although Wegrzynowicz (5,136,636) was actually used throughout the rejection and was properly listed on the 892 form. Examiner has corrected that oversight and the rejection statement is now proper.

Applicant argues on page 7 that since the “Larsen data structure is based upon mapping radio programs to time, day and broadcaster information”, it should not be used in the rejection. Examiner respectfully disagrees. To the contrary this “mapping” referred to by applicant, with respect to Larsen, reads on the claimed feature of ‘said database further storing data representing said at least one broadcaster identifier associated with said radio or TV broadcast signal’.

Applicant goes on to state on page 7, that “users of the Larsen system are required to enter all of the time, day and broadcaster information (in this order) to identify a radio program (not a broadcast signal)”. It appears that applicant is attempting to distinguish between a broadcast program and a broadcast signal. Examiner does not find such a distinction. A broadcast program is transmitted as a broadcast signal, and thus when the claim recites,

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‘identifying said radio or TV broadcast from said subset of data’, the claimed radio or TV broadcast is a broadcast program, physically represented as a broadcast signal.

Thus applicant’s arguments regarding the broadcaster ID, supposedly required in Larsen, is not understood. The broadcaster ID discussed in Larsen corresponds with the claimed broadcast identifier. In claim 1, the system recites, ‘receiving user related information, ... comprising... a broadcast identifier’. It is pointed out that the claimed ‘broadcast identifier’ is broad enough to read on a range of information details which would identify a broadcast, and is met by the disclosure of Larsen.

With respect to Wegrzynowicz applicant argues that the reference does not teach the claimed feature of, ‘communicating said user related geographic identification code into said database to create a subset of data, said subset of data comprising data representing at least one’. Applicant’s main point is that “Wegrzynowicz operates by routing the customer to a second database that contains dealers in the same local area as the instant customer”. Examiner points out that when the caller’s NPA is received, the “DSD 150 database” ... “uses the routing number to find a segment of its database that contains the required translation information”, see col. 5, lines 20-30, emphasis added.

Examiner points out that the combination of Larsen & Wegrzynowicz indeed reads on the claimed invention. Concerning the claimed ‘creating a database’, examiner finds support for the language on page 22, lines 10-18, which states that system ‘can search the program schedule to

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find the selected station”. Thus the creating reads on filtering or distinguishing a subset, as opposed to creating as from out of thin air. This filtering aspect is consistent with Wegrzynowicz, which takes the NPA of the user and finds the appropriate DSD database 150, which in turn finds the segment (i.e., section) within itself that contains the appropriate information. As for the determination of the broadcast signal, per se, Larsen meets the claimed subject matter.

It is noted that on pages 18-21 of applicant’s specification, the system determines the user geographic location as determined by the ANI (as taught by Wegrzynowicz). Then the user is prompted for the call letters of the station (which reads on the user input of the broadcast information in Larsen). With at least this information, applicant’s “system can search the program schedule for the selected station”, again as found on page 22, lines 10-18. This feature is also accomplished by the combination of Larsen & Wegrzynowicz.

Applicant also separately discusses claim 19, which recites ‘receiving a network address associated with a user inquiry’. The claimed network address reads on the NPA discussed in Wegrzynowicz. In Wegrzynowicz, a group of providers are associated with the NPA of a particular user, and thus meets the claim.

Applicant also separately discusses claim 3. Examiner points out that since Larsen uses the DTMF technology, the system is consistent with the claimed language, in that the user presses keys on the keypad, to access information. The DTMF technology converts these inputs

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to numbers and/or alphabetic characters that represent the information which the user is attempting to access.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Larson, (U.S. Pat # 5,539,635), in view of Wegrzynowicz, (U.S. Pat # 5,136,636).

Considering claim 1, the claimed method to identify radio or TV broadcasts through the combination of geographic ID and a broadcast ID, is met by the combination of Larsen & Wegrzynowicz.

Regarding the claimed step of:

‘digitally storing in a database geographic ID codes associated with an area or location of a radio or TV broadcast signal, such that the database stores data representing at least one broadcast identifier associated with a radio or TV broadcast signal’, reads on the combination of Larsen & Wegrzynowicz. In particular, Larsen teaches storing in a database 64, at a radio

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program distribution system 8, the broadcast ID of a range of radio programs, and corresponding channels/frequency, Fig. 1; Abstract & col. 3, lines 5-35.

However, even though Larsen teaches receiving the Caller-ID, the reference does not teach storing a geographic ID of the radio broadcast signal. Nevertheless, Wegrzynowicz discloses a system wherein when a customer dials a "1-800" number, the system receives the area code and phone number of the calling party in order to direct the customer to the list of providers that services the instant subscriber's area (NPA), see Abstract & col. 4, lines 1-12. Wegrzynowicz operates by routing the customer to a second database that contains dealers in the same local area as the instant customer, which reads on the claimed subject matter, col. 4, lines 30-60; col. 5, lines 1-40 & col. 6, lines 1-45. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Larsen with the technique of sorting providers, including broadcasters based on their geographical location, at least for the improvement of allowing customer's to dial a single "1-800" number, but to access providers that are local to the customer, as taught by Wegrzynowicz, col. 1, lines 10-22.

'receiving user related information, such that the user related information comprises geographic ID and a broadcast ID, reads on the combination of Larsen & Wegrzynowicz, using ANI, which identifies the PSTN address of the user, along the inputting the broadcast ID, (Larsen) Abstract; col. 2, lines 52-67 & col. 6, lines 8-28 & (Wegrzynowicz) col. 6, lines 1-45.

'communicating the user related geographic ID information into the database to create a subset of data, which comprises data representing at least one broadcast identifier, and identifying the radio or TV broadcast from the subset, reads on the discussion in Wegrzynowicz that based on the ANI of the calling party (which reads on the claimed geographical ID), the system connects the customer to the database that contains providers that correspond to the customer's geographical area.

Considering claims 2-3, the Larsen teaches using touchtone technology to input the data needed by the system to process the user's request, col. 5, lines 1-30. As for claim 3, the digital data representing telephone keypad numbers reads on the disclosure in Wegrzynowicz that the calling party's telephone number is used to generate a list of providers local to the instant telephone number.

Considering claims 4-6, subset and indexing of broadcaster information reads on the creating lists of broadcaster according to similarities, Larsen, col. 5, lines 40-67 & Wegrzynowicz, see col. 5, lines 22-30 & col. 6, lines 1-45. As for claim 6, the claimed program schedule information reads on the Larsen, since the system allows programs to be accessed according to time and date, see col. 5, lines 22-35.

Considering claims 7-12, 15 & 23-27, the combination of Larsen & Wegrzynowicz teaches indexing broadcasters, according to geographical information, which requires the transmission/reception of program description, col. 3, lines 25-45 & col. 5, lines 35-67.

Considering claims 13 & 17-18, the geographic ID in Larsen & Wegrzynowicz corresponds with the telephone number, col. 6, lines 8-20.

Considering claim 14, Larsen teaches that the invention is operable in a CATV environment, which would then provide the converter address as geographic information, col. 2, lines 65-67 thru col. 3, lines 1-5. Official Notice is taken that at the time the invention was made, it was known in the art to provide programming to customers' based on the STB ID or address. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Larsen & Wegrzynowicz, by using the STB address to limit the list of potential providers, at least for the desirable advancement of utilizing a networking system other than the PSTN disclosed in Larsen & Wegrzynowicz.

Considering claim 16, the area code and 7 digit phone number in Wegrzynowicz determines the local area or region, col. 1, lines 40-55.

Considering claim 19, the instant claim corresponds with subject matter mentioned above in the rejection of claim 1, and are likewise treated. Except that the instant claim recites "receiving a network address", which corresponds with receiving the caller-ID (i.e., phone number) of the customer, as disclosed in Larsen & Wegrzynowicz.

Considering claim 20, the claimed elements of a computer-implemented information system to identify a radio or TV broadcast, comprising features that correspond with subject matter mentioned above in the rejection of claim 1, are likewise treated. The additionally claimed processor reads on the combination of the Request Processing Unit 10 of Larsen, (Fig. 1) and the OSO/ACP 110, discussed in Wegrzynowicz, col. 3, lines 55-65 thru col. 4, lines 1-45.

Considering claim 21, the claimed feature of inputting the geographic ID code and the broadcast ID code separately, is broad enough to read on the user inputting the requested broadcast station and the system using the ANI technology to determine geographic information, as disclosed in Wegrzynowicz.

Considering claim 22, geographic ID comprising user related network address reads on the telephone number, which is the user's address on the PSTN network.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


HAITIAN
PRIMARY EXAMINER